

## **REMARKS**

Claims 29, 30, 34, 35, 37-40, 43, and 49-54 have been amended. Claims 29-54 are pending in the application. In view of the following remarks, Applicant respectfully requests that the application be forwarded on to issuance.

### **Examiner Interview**

Applicant's Representative, Mark Niemann, wishes to thank Examiner Nash for the telephone interview conducted on December 29<sup>th</sup>, 2009. During the interview, Applicant's Representative and the Examiner discussed differences between subject matter recited in the claims and the references of record. In the interest of advancing prosecution, Applicant proposed amending some of the claims to recite that "to incentivize use comprises providing an incentive that is based at least in part on a type of said at least one sensor". Applicant understood Examiner Nash to agree that this amendment was not taught by the references of record.

Additionally, in the interest of advancing prosecution Applicant proposed amending some of the claims to recite "identifying, by the one or more server systems, one or more capabilities associated with the one or more remote distributed devices". Applicant understood Examiner Nash to agree that this amendment was also not taught by the references of record.

Accordingly, Applicant has amended the claims in accordance with the interview, and requests that the rejections of claims 29-54 be withdrawn. Applicant respectfully requests a phone call if the Examiner thinks there are any further issues that might delay issuance.

### **Specification**

The specification is objected to by the Office as failing to provide proper antecedent support for the claimed "tangible computer-readable medium" of claims 43-48. Applicant respectfully disagrees.

Support for this subject matter can be found, among other places, in the Specification from page 8, line 23 to page 9, line 4. There, the Specification describes the notion that any number of systems and/or devices may be identified, organized and utilized to accomplish a desired task including, but not limited to personal computer systems (PCs), internet appliances, notebook computers, servers, storage devices, network attached storage (NAS) devices, wireless devices, hand-held devices, or any other computing device that has useful capabilities and is connected to a network in any manner. It is common knowledge that systems such as these include tangible computer-readable media.

Further, Fig. 2 and its related description starting on page 16 describe the notion of client systems that include, among other elements, hard drives, memory, removable media types and the like.

Further, the specification describes a “software agent operating with each of the remote distributed *devices*” and comprising *instructions* for implementing the described features, such as those recited in claims 43-48. Accordingly, in view of this discussion appearing in the Specification and, more generally, the context of the application, Applicant respectfully submits that the specification amply describes and supports tangible computer-readable media.

### **35 U.S.C. § 103 Rejection**

Claims 29-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,611,686 to Smith *et al.* (“Smith”) in view of U.S. Publication No. 2002/0010757 to Granik *et al.* (“Granik”).

For the reasons set forth below, Applicant respectfully traverses the rejection.

### The Claims

Claim 29 has been amended, and as amended recites a system, comprising (added language appears in bold italics):

- a server system configured to:
  - communicate with one or more remote distributed devices, the one or more remote distributed devices configured to receive data from at least one sensor;
  - incentivize use of the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices, *wherein to incentivize use comprises providing an incentive that is based at least in part on a type of said at least one sensor*; and
  - receive the environmental data and the location data from the one or more remote distributed devices.

In making out the rejection of this claim, the Office argues that claim 29 is rendered obvious by the combination of Smith and Granik. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 29 has been amended to recite that “*to incentivize use comprises providing an incentive that is based at least in part on a type of said at least one sensor*”. Support for this amendment can be found throughout Applicant’s specification, and at least at paragraph 0025 (describes that an incentive “may be based in part upon capabilities of the distributed devices”) and paragraph 0084 (describes that the server system “may offer incentives to the distributed devices to add specific sensors”).

As discussed during the interview, the combination of Smith and Granik does not teach or in any way suggest that “*to incentivize use comprises providing an incentive that is based at least in part on a type of said at least one sensor*”, as recited in claim 29 as amended. More specifically, Smith describes the notion of a “sensor” but, as admitted by the Office, fails to disclose or suggest the feature to “*incentive use*”.

Granik, on the other hand, does discuss entitling “a user to certain rewards based on their subscription” (*Granik*, paragraph 0007). Granik does not, however, disclose or suggest “*providing an incentive that is based at least in part on a type of said at least one sensor*”, as recited in claim 29 as amended. Instead, Granik describes a system and method that functions to replace advertisements of original undesired content with new advertisements and enable users to earn money based on user actions (*Granik*, paragraph 0007). Rewarding users who perform certain user actions, like generating click-throughs, or purchasing from a destination web site affiliated with a campaign (*see Granik*, paragraph 0018), however, is not equivalent to the feature to “*incentivize use of the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices, wherein to incentivize use comprises providing an incentive that is based at least in part on a type of said at least one sensor*”, as recited in claim 29 as amended. Accordingly, the combination of Smith and Granik fails to teach or suggest all of the features of claim 29, particularly as amended.

For any of the reasons discussed above, the combination of Smith and Granik does not support a § 103 rejection of claim 29. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claim 29.

**Claims 30-36** depend from claim 29 and thus the comments directed above to claim 29 apply equally to claims 30-36. These claims also recite certain features which, in combination with those recited in claim 29, are neither disclosed nor suggested in the references of record.

**Claim 37** has been amended, and as amended recites a system, comprising (added language appears in bold italics):

- identifying, *by one or more server systems*, one or more remote distributed devices configured to sense an environmental condition *with at least one sensor*;
- incentivizing, *by the one or more server systems*, use of the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices, *wherein incentivizing comprises providing an incentive that is based at least in part on a type of said at least one sensor*;
- receiving environmental data and location data from the one or more remote distributed devices by the one or more server systems; and
- configuring a distributed processing system by selecting one or more remote distributed devices based in part on a location of the one or more remote distributed devices by the one or more server systems.

In making out the rejection of this claim, the Office argues that claim 37 is rendered obvious by the combination of Smith and Granik. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 37 has been amended to recite that “*incentivizing comprises providing an incentive that is based at least in part on a type of said at least one sensor*”. As discussed during the interview, the combination of Smith and Granik does not teach or in any way suggest the subject matter of this amendment.

More specifically, Smith describes the notion of a “sensor” but, as admitted by the Office, fails to disclose or suggest the feature of “*incentivizing*”. Granik, on the other hand, does discuss entitling “a user to certain rewards based on their subscription” (*Granik*, paragraph 0007). Granik does not, however, disclose or suggest “*providing an incentive that is based at least in part on a type of said at least one sensor*”, as recited in claim 37 as amended. Accordingly, the combination of Smith and Granik fails to teach or suggest all of the features of claim 37, particularly as amended.

For any of the reasons discussed above, the combination of Smith and Granik does not support a § 103 rejection of claim 37. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claim 37.

**Claims 38-42** depend from claim 37 and thus the comments directed above to claim 37 apply equally to claims 38-42. These claims also recite certain features which, in combination with those recited in claim 37, are neither disclosed nor suggested in the references of record.

**Claim 43** has been amended, and as amended recites a tangible computer-readable medium having instructions stored thereon, the instructions comprising (added language appears in bold italics):

- instructions to receive a beneficial incentive to form a sensor based distributed processing system, wherein the instructions cause the sensor based distributed processing system to be formed by coupling one or more remote environmental sensors to a remote distributed device, ***the beneficial incentive based at least in part on a type of the one or more remote environmental sensors;***
- instructions to measure at least one environmental condition with the one or more remote environmental sensors coupled to the remote distributed device;
- instructions to determine a location of the remote distributed device; and
- instructions to transmit environmental data corresponding to the at least one measured environmental condition, location data corresponding to the location of the remote distributed device, and an identifier corresponding to the one or more remote environmental sensors.

In making out the rejection of this claim, the Office argues that claim 43 is rendered obvious by the combination of Smith and Granik. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 43 has been amended to recite that the beneficial incentive is ***“based at least in part on a type of the one or more remote environmental sensors”***. As discussed

during the interview, the combination of Smith and Granik does not teach or in any way suggest the subject matter of this amendment.

More specifically, Smith describes the notion of a “sensor” but, as admitted by the Office, fails to disclose or suggest the feature of “*incentivizing*”. Granik, on the other hand, does discuss entitling “a user to certain rewards based on their subscription” (*Granik*, paragraph 0007). Granik does not, however, disclose or suggest a beneficial incentive that is “*based at least in part on a type of the one or more remote environmental sensors*”, as recited in claim 43 as amended. Accordingly, the combination of Smith and Granik fails to teach or suggest all of the features of claim 43, particularly as amended.

For any of the reasons discussed above, the combination of Smith and Granik does not support a § 103 rejection of claim 43. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claim 43.

**Claims 44-48** depend from claim 43 and thus the comments directed above to claim 43 apply equally to claims 44-48. These claims also recite certain features which, in combination with those recited in claim 43, are neither disclosed nor suggested in the references of record.

**Claim 49** has been amended, and as amended recites a method comprising (added language appears in bold italics):

- identifying, by one or more server systems, one or more remote distributed devices configured to sense a condition;
- *identifying, by the one or more server systems, one or more capabilities associated with the one or more remote distributed devices;*
- incentivizing, by the one or more server systems, incorporation of the one or more remote distributed devices into a distributed computing platform to provide data corresponding to a sensed condition, the incentivizing being based, at least in part, upon *the* one or more capabilities associated with the one or more remote distributed devices; and

- receiving, by the one or more server systems, data from incentivized remote distributed devices that have been incorporated into the distributed computing platform.

In making out the rejection of this claim, the Office argues that claim 49 is rendered obvious by the combination of Smith and Granik. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 49 has been amended to recite “*identifying, by the one or more server systems, one or more capabilities associated with the one or more remote distributed devices*”. Support for this amendment can be found throughout Applicant’s specification, and at least at paragraph 0025, which describes that the systems “may identify the *capabilities* of distributed devices” and providing an incentive that “may be based at least in part upon *capabilities* of the distributed devices” (see *Applicant’s Specification*, paragraph 0025, emphasis added).

As discussed during the interview, neither Smith nor Granik teach or in any way suggest “*identifying, by the one or more server systems, one or more capabilities associated with the one or more remote distributed devices*” and “incentivizing being based, at least in part, upon the one or more capabilities associated with the one or more remote distributed devices”, as recited in claim 49 as amended.

More specifically, Smith describes the notion of a “sensor” but, as admitted by the Office, fails to disclose or suggest the feature of “*incentivizing*”. Granik, on the other hand, does discuss entitling “a user to certain rewards based on their subscription” (*Granik*, paragraph 0007). Granik does not, however, disclose or suggest “*identifying, by the one or more server systems, one or more capabilities associated with the one or more remote distributed devices*” and “*incentivizing being based, at least in part, upon the one or more capabilities associated with the one or more remote distributed devices*”, as recited in claim 49 as amended. Accordingly, the combination of Smith and Granik fails to teach or suggest all of the features of claim 49, particularly as amended.



For any of the reasons discussed above, the combination of Smith and Granik does not support a § 103 rejection of claim 49. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claim 49.

**Claims 50-53** depend from claim 49 and thus the comments directed above to claim 49 apply equally to claims 50-53. These claims also recite certain features which, in combination with those recited in claim 49, are neither disclosed nor suggested in the references of record.

**Claim 54** has been amended, and as amended recites a system comprising (added language appears in bold italics):

- means for identifying one or more remote distributed devices configured to sense a condition;
- ***means for identifying one or more capabilities associated with the one or more remote distributed devices;***
- means for incentivizing incorporation of the one or more remote distributed devices into a distributed computing platform to provide data corresponding to a sensed condition, the means for incentivizing utilizing, at least in part, ***the*** one or more capabilities associated with the one or more remote distributed devices; and
- means for receiving data from incentivized remote distributed devices that have been incorporated into the distributed computing platform.

In making out the rejection of this claim, the Office argues that claim 54 is rendered obvious by the combination of Smith and Granik. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 54 has been amended to recite “***means for identifying one or more capabilities associated with the one or more remote distributed devices***”. As discussed during the interview, neither Smith nor Granik teach or in any way suggest “***means for identifying one or more capabilities associated with the one or more remote distributed devices***” and “incentivizing utilizing, at least in part, the one or more

capabilities associated with the one or more remote distributed devices”, as recited in claim 54 as amended.

More specifically, Smith describes the notion of a “sensor” but, as admitted by the Office, fails to disclose or suggest the feature of “*incentivizing*”. Granik, on the other hand, does discuss entitling “a user to certain rewards based on their subscription” (*Granik*, paragraph 0007). Granik does not, however, disclose or suggest “means for *identifying* one or more *capabilities* associated with the one or more remote distributed devices” and “*incentivizing utilizing*, at least in part, *the one or more capabilities* associated with the one or more remote distributed devices”, as recited in claim 54 as amended. Accordingly, the combination of Smith and Granik fails to teach or suggest all of the features of claim 54, particularly as amended.

For any of the reasons discussed above, the combination of Smith and Granik does not support a § 103 rejection of claim 54. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claim 54.

### Conclusion

The cited art fails to support rejections of claims 29-54. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

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